

Statement of John Conyers, Jr.
H.R. 3637 - Volunteer Liability Legislation
September 14, 2005

I rise in opposition to this legislation.

I do so reluctantly. I had attempted in good faith to work on this matter with the Chairman to eliminate the bills excesses and flaws, however, ultimately, almost every one of our suggestions was rejected. The result is a bill that is hastily and poorly drafted, and that will insulate negligent and dangerous behavior.

At the outset, let me note that we already have a law which protects volunteers called the “volunteer protection act.” That bill was carefully crafted and bipartisan in nature. It protects volunteers from their good deeds, but not their misconduct. This bill, unfortunately goes much farther.

In addition, let me note the bill comes before us with no committee hearings, no markup. We have not heard from a single interested party as to why this bill is necessary. Nor have we received a shred of evidence that there is any shortage of volunteers to assist in Hurricane Katrina as a result of our civil justice system.

The bill before us suffers from several major problems:

First, it is not limited to volunteers. It would protect all entities involved in hurricane Katrina – that could include not only government entities, such as FEMA and state and city entities, but business entities. In the past, we have decided not to cover these entities, because we did not want to protect firms that retained persons with who were criminals, drug addicts or even sex offenders from liability. This bill creates a green light for that type of behavior. At the same time, I am not aware of a single business or non-profit entity that has asked the committee from relief from liability in order to help out in Katrina, or a single pending lawsuit against a volunteer.

Second, the bill goes beyond the volunteer protection act to immunize gross negligence and intentional misconduct. Never in the history of Congress have we immunized such actions. There is no reason to protect such blatant wrongdoing from responsibility.

Third, the bill is drafted so broadly it would protect unlicensed volunteers who are attempting to operate as professionals. This would include individuals who provide medical treatment without training, and pilots flying planes without licenses. Under this bill, any individual can travel to Louisiana, and conduct surgery without permission and receive a liability waiver.

Fourth, the bill would insulate simple traffic accidents from liability. That means a volunteer could negligently drive over a child on his way to New Orleans and the family would be left with no recourse whatsoever. In the past we have exempted automobile negligence from the scope of volunteer liability bills. It makes no sense to exempt irresponsible drivers from their own negligence.

Fifth, the bill is drafted so broadly it would insulate nursing homes who utilized volunteers and their failure to evacuate resulted in death. Can you imagine that? You could lose your loved one as a result of negligence by a nursing home, and be left without compensation.

This bill sets up a two tier civil justice system. One for the wealthy people who escaped Katrina, who will have their full right to the civil justice system, and a lesser system for indigent individuals and minorities, who may have suffer abuse and as a result of additional negligence and misconduct.

Hurricane Katrina was an unimaginable tragedy. If we adopt this unthinking bill, without bothering to figure out what were doing and who were exposing to further harm, we risk compounding that tragedy.